



HY 0388



中华人民共和国国家知识产权局

邮政编码: 100101 北京市朝阳区北辰东路 8 号汇宾大厦 A0601 北京市柳沈律师事务所 马莹		发文日期 
申请号: 011259310		
申请人: 日本先锋公司		
发明创造名称: 信息输出记录系统及其方法和信息记录媒体		

第一次审查意见通知书

1. ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
2. ☒ 申请人要求以在:
- | | | | |
|----|---------|------------------|--------|
| JP | 专利局的申请日 | 2000 年 06 月 22 日 | 为优先权日, |
| | 专利局的申请日 | 年 月 日 | 为优先权日, |
| | 专利局的申请日 | 年 月 日 | 为优先权日, |
| | 专利局的申请日 | 年 月 日 | 为优先权日, |
| | 专利局的申请日 | 年 月 日 | 为优先权日, |
- ☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
3. ☐ 经审查, 申请人于:
- | | |
|----------|-------------------|
| 年 月 日提交的 | 不符合实施细则第 51 条的规定; |
| 年 月 日提交的 | 不符合专利法第 33 条的规定; |
| 年 月 日提交的 | |
4. 审查针对的申请文件:
- ☒ 原始申请文件。 ☐ 审查是针对下述申请文件的
- | | | | |
|--------------------|---------------|-------|----|
| 申请日提交的原始申请文件的权利要求第 | 项、说明书第 | 页、附图第 | 页; |
| 年 月 日提交的权利要求第 | 项、说明书第 | 页、附图第 | 页; |
| 年 月 日提交的权利要求第 | 项、说明书第 | 页、附图第 | 页; |
| 年 月 日提交的权利要求第 | 项、说明书第 | 页、附图第 | 页; |
| 年 月 日提交的说明书摘要, | 年 月 日提交的摘要附图。 | | |
5. ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):
- | | | |
|----|------------|------------------|
| 编号 | 文件号或名称 | 公开日期 (或抵触申请的申请日) |
| 1 | CN1250935A | 2000. 4. 19 |
6. 审查的结论性意见:
- ☒ 关于说明书:
- ☐ 申请的内容属于专利法第 5 条规定的不予授予专利权的范围。
☐ 说明书不符合专利法第 26 条第 3 款的规定。



第一次审查意见通知书正文

申请号：011259310

本申请（01125931.0）涉及一种信息输出记录系统及其方法和信息记录媒体，经审查意见如下：

（一）应删除的权利要求

权利要求21—26、27—29所要保护的是一种“信息记录媒体”，但其记载的特征是由计算机读出的程序来限定其保护范围，而该信息记录媒体本身的物理特性（包括结构和性能）没有发生任何变化，以记录内容如计算机程序等为特征的权利要求21—26、27—29没能清楚地限定所要保护的信息记录媒体。因此权利要求21—29不符合专利法实施细则第二十条第一款的规定。

权利要求31、32所要保护的是一种“计算机数据信号”，而“数据信号”是人们主观世界对客观世界的抽象概括，是一种人类智力的活动。因此权利要求31、32属于专利法第二十五条第一款第二项不授予专利权保护的范围。

（二）三性缺陷

权利要求1涉及一种信息输出设备。对比文件1涉及一种再现装置和记录装置，公开了如下技术特征（见1页2行—2页13行、7页8行—11页5行以及附图1）：输出处理装置16用于将多个扇区构成的主、子数据（即本申请的主信息）输出，而输出的管理数据（即本申请的顺序信息）记载在主、子数据的记录位置（即本申请的各个部分信息的配置顺序）；系统控制装置11用于控制输出装置相对于主、子数据一个扇区、一个扇区地输出。权利要求1区别于对比文件1的技术特征在于：将管理数据进行重复输出。对比文件1中的管理数据用于记载主、子数据的记录位置，所属领域技术人员在将主、子数据进行传输后进行记录时很容易想到将管理数据连同主、子数据通过公知的通信手段进行传输后用于对主、子数据进行记录的技术方案，而“重复”输出是所属领域技术人员依据现有硬件和软件很容易实现的一种人为规定的输出方式。可见对比文件1结合所属领域技术人员的技术常识得到权利要求1的技术方案对所属领域技术人员是显而易见的，不具备突出的实质性特点和显著的技术进步。因此权利要求1不符合专利法第二十二条第三款有关创造性的规定。权利要求2所述的附加技术特征已经在对比文件1（见1页2行—2页13行、7页8行—11页5行以及附图1）中公开：信息记录设备通过管理数据，在记录媒体90中记录所述的主、子数据，以

并用以区分记录的区域地址：系统控制器11将管理信息数据通过再现装置从磁光盘读入存储于存储器13中，进行记录时可以引用该管理信息；当进行重写（即记录）操作时，以预定的定时节拍重写U-TOC区域。即系统控制器11用于获得顺序信息以及节目数据（即本申请的主信息），并且通过顺序信息获得的顺序记录获得的节目数据（即本申请的主信息），并控制记录装置进行记录。可见对比文件1公开了权利要求9全部的技术特征。因此权利要求9不符合专利法第二十二条第二款有关新颖性的规定。

权利要求10附加技术特征是：地址信息是表示在记录媒体上的记录位置，并且预先记录在记录媒体上；将与顺序信息相关联的部分信息记录在记录媒体的记录位置上，该记录位置是由获得的顺序信息相关的地址信息表示的。对比文件1中的地址信息预先记录在记录媒体上见15页10—16行以及附图6，P-TOC记录于凹坑区、U-TOC记录于管理区见附图5，上述记录位置均是以地址信息表示的，可知对比文件1公开了权利要求10的附加技术特征。因此权利要求10不符合专利法第二十二条第二款有关新颖性的规定。权利要求11所述的部分信息包括一个扇区，且顺序信息是对应信息扇区相关联的扇区地址信息和所述扇区地址信息相关的相关信息中的任何一个，而对比文件1中1页2行—6行所述的管理数据如U-TOC以及P-TOC就是与对应信息记录位置的扇区相关联的扇区地址信息。因此权利要求11也不符合专利法第二十二条第二款有关新颖性的规定。

权利要求18—20是相应于权利要求9—11信息记录设备的信息记录方法，所属领域技术人员由信息记录设备很容易想到相应的信息记录方法，基于评述权利要求9—11相应的理由，权利要求18—20不符合专利法第二十二条第二款有关新颖性的规定。

权利要求30是由权利要求1的信息输出设备和权利要求9的信息记录设备构成的信息输出记录系统，所属领域技术人员由相应的信息输出设备和信息记录设备很容易想到组合而成的信息输出记录系统，由权利要求1和权利要求9相同的评述理由，权利要求30不符合专利法第二十二条第三款有关创造性的规定。

（三）其他缺陷

权利要求1、8、9、10、11、12、17、18、19、20、30所述的“部分信息”使用上位概念概括了一个较宽的保护范围，说明书中具体实施方式中仅给出了“扇区”，所属领域技术人员难于预见该上位概念所概括的除本申请扇区之外的所有方式均能解

The Patent office of the People's Republic Of China

Address: No. 6 XITUCHENG ROAD, JIMEN BRIDGE, HAIDIAN DISTRICT, BEIJING

Post Code: 100088

Applicant: PIONEER CORPORATION	ISSUING DATE: 2004. 5. 28.
Agent: YING MA	
Application No.: 01125931.0	
Title: INFORMATION OUTPUTTING APPARATUS AND ----	

THE FIRST OFFICE ACTION

1. ☒ The applicant filed a request for substantive examination on Year ____ Month ____ Day ____ according to Article 35 Paragraph 1 of the Patent Law. The examiner has conducted a substantive examination to the above-mentioned patent application.
- ☐ According to Article 35 paragraph 2 of the Patent Law. Chinese Patent office decided on its own initiative to conduct a substantive examination to the above-mentioned patent application.
2. ☒ The applicant requested to take
Year 00 Month 6 Day 22 on which an application is filed with the JP patent office as the priority date.
Year ____ Month ____ Day ____ on which an application is filed with the ____ patent office as the priority date.
Year ____ Month ____ Day ____ on which an application is filed with the ____ patent office as the priority date.
- ☒ The applicant has submitted the copy of the earliest application document certified by the competent authority of that country.
- ☐ According to Article 30 of the Patent Law, if the applicant has not yet submitted the copy of the earliest application document certified by the competent authority of that country, the declaration for Priority shall be deemed not to have been made.
- ☐ This application is a PCT application.
3. ☐ The applicant submitted the amended document(s) on Year ____ Month ____ Day ____ and Year ____ Month ____ Day ____ after examination, ____ submitted on Year ____ Month ____ Day ____ is/are not accepted.
____ submitted on Year ____ Month ____ Day ____ is/are not accepted
because the said amendment(s) ☐ is/are not in conformity with Article 33 of the Patent Law.
☐ is/are not in conformity with Rule 51 of the Implementing Regulations.
- ☐ The concrete reason(s) for not accepting the amendment(s) is/are presented on the text of Office Action.
4. ☒ The examination has been conducted based on the application text as originally filed.
- ☐ The examination has been conducted based on the following text(s):
page(s) ____ of the specification, Claim(s) ____, and figure(s) ____ in the original text of the application submitted on the filing day.
page(s) ____ of the specification, claim(s) ____, and figure(s) ____ submitted on Year ____ Month ____ Day ____
page(s) ____ of the specification, claim(s) ____, and figure(s) ____ submitted on Year ____ Month ____ Day ____
5. ☐ This notification was made without undergoing search.
- ☒ This notification was made with undergoing search.
- ☒ The following reference document(s) is/are cited: (the reference numeral(s) thereof will be used in the examination procedure hereafter)

TEXT OF THE FIRST OFFICE ACTION

The present application (01125931.0) relates to an information outputting recording system, method of the same, and information recording medium. According to the examination, the opinions are now provided as follows:

Part 1. Claims ought to be deleted

Claims 21-26, 27-29 seek protection for an "information recording medium", however their technical features are defined by program read by a computer and the physical characteristics (including structure and performance) of the information recording medium per se do not change. Thus, the Claims 21-26, 27-29, which take the recording contents such as computer program etc. as technical features, do not define clearly the information recording medium sought for protection. Therefore, Claims 21-29 do not comply with the provision of Rule 20, paragraph 1 of the Implementing Regulations of the Patent Law of China.

Claims 31, 32 seek protection for "a computer data signal". However "data signal" belongs to an abstract summary of the objective world made by subjective world of humans, and is a human mental activity. Therefore Claims 31, 32 can not be granted the right of patent for falling within the scope of Article 25, paragraph 1 (2) of the Patent Law of China.

Part 2. Defects related to novelty, inventiveness and practical applicability

Claim 1 relates to an information outputting apparatus. Reference 1 discloses a reproducing device, recording device with the following technical features (referring to page 1, line 2 to page 2, line 13; page 7, line 8 to page 11, line 5; and Fig. 1): an output processing device (16) for outputting main data, sub data (corresponding to main information in the present application) composed of a plurality of sectors, the outputted management data (corresponding to order information in the present application) recording the recorded positions (corresponding to configuration order of respective partial information in the present application) of the main data, sub data; a system controller (11) for controlling the outputting device so as to output the sector one by one with respect to main data, sub data. Compared with the Reference 1, Claim 1 differs in repeatedly outputting the management data. The management data in the Reference 1 is for recording the recorded positions of main data, sub data. When those skilled in the art record the transmitted main data, sub data, they easily conceive the technical solution of recording main data, sub data after transmitting the management data through commonly known communication means along with main data, sub data. Moreover, "repeated" outputting operation is stipulated by humans

and can be easily carried out based on the existing hardware and software. Thus it is obvious that the technical solution of Claim 1 can be obtained by those skilled in the art by combining the Reference 1 with the common knowledge of those skilled in the art, which does not possess prominent substantive features or represent a notable progress. Therefore, Claim 1 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China. The additional technical feature of Claim 2 has already been disclosed by the Reference 1 (referring to page 1, line 2 to page 2, line 13; page 7, line 8 to page 11, line 5; and Fig. 1), which discloses the information recording apparatus records said main and sub data in a recording medium 90 by using management data so that said main and sub data are reproduced on the basis of said management data. Therefore, Claim 2 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

Claim 3 defines compression having no relation to a time axis. According to said JPEG decoder 26 in the Reference 1, it can be known that the data after compressed by JPEG is an entropy coding and the compression ratio, i.e. compression bit is changed by controlling mass factor, which is one of the variable bit rate compression coding. Meanwhile, it is known to those skilled in the art that audio compression encoder and decoder 14 generally performs compression and decompression in an entropy coding of variable bit length. Thus it can be seen that said compression encoding in Claim 3 has been disclosed by the Reference 1 and belongs to the common compression encoding knowledge of those skilled in the art. **Claims 4, 5** define that the outputting apparatus further comprises a distributing device for distributing data to the information recording apparatus through telecommunication lines comprising at least one of a cable television circuit, the Internet lines, satellite broadcasting circuit and ground-based digital broadcasting circuit. However that (1) a recording apparatus performs variable bit rate compression on the data and (2) a distributing device distributes the data through telecommunication lines belong to the common knowledge of those skilled in the art. **Claim 6** defines that reproduction controlling information controls a reproduction manner of said main information. However, those skilled in the art easily conceive the idea of recording reproduction controlling information so as to control a reproduction manner. Also that the reproduction controlling information is outputted to the information recording apparatus belongs to the common knowledge of those skilled in the art. **Therefore, Claims 3-6 do not possess prominent substantive features or represent a notable progress, and thus do not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.**

Said regulating information in **Claim 7** corresponds to the reproduction controlling information recorded in Figs. 19, 21 of the Reference 1, which also implies that a changing device exists for controlling the state of the number of times for copying of the recorded data, and outputting it together with main information to the information recording apparatus can be easily conceived and realized by those skilled in the art. **Claim 8** defines that said partial information comprises an information sector, and

said order information is any one of sector address information in association with said respective information sectors and relative information which is related to said sector address information. Said management data mentioned from line 2 to line 6 of page 1 of the Reference 1 is the sector address information in association with said sectors of respective information recorded positions. Therefore, **Claims 7, 8 do not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.**

Claims 12-17 define an information outputting method corresponding to the information outputting apparatus defined in Claims 1-4, 7, 8. Those skilled in the art easily think of the relevant information outputting method based on the information outputting apparatus. Based on corresponding reasons of commenting on Claims 1-4, 7, 8, Claims 12-17 do not possess prominent substantive features or represent a notable progress, and thus do not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.

Claim 9 relates to an information recording apparatus. Reference 1 relates to a recording apparatus and discloses the following technical features (referring to page 10, line 17 to page 11, line 1 and Figs. 1, 5, 6, 8-16, 25-27) besides the part relating to reproducing device mentioned above: management information data (corresponding to order information in the present application) comprising the P-TOC and the U-TOC and discriminating an address of an area to be recorded; system controller 11 reading out the management information data via a reproducing device from the magneto-optical disc and storing the management information into the memory 13 so that the management information may thereafter be referred to upon recording; when performing rewriting (that is, recording) operation, rewriting the U-TOC area at a predetermined timing. In other words, the system controller 11 is for obtaining the order information and the program data (corresponding to said main information in the present application) and records the obtained program data (corresponding to said main information in the present application) in the order obtained by using said order information, and controlling the recording device to record. Thus it can be seen Reference 1 has disclosed all the technical features of Claim 9. Therefore, Claim 9 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.

The additional technical features of Claim 10 are that address information shows a recording position on the recording medium and is recorded in advance on said recording medium; said partial information in association with said order information is recorded on a recording position on said recording medium, which is indicated by said address information associated with said obtained order information. With Reference to page 15, lines 10-16 and Fig. 6 of Reference 1, address information is recorded in advance on the recording medium; with Reference to Fig. 5, of Reference 1 P-TOC is recorded in the pit region and U-TOC is recorded in the management area. Thus it can be seen that Reference 1 has disclosed the additional technical features of

Claim 10. Therefore, Claim 10 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China. Claim 11 defines that said partial information comprises an information sector, and said order information is any one of sector address information in association with said respective information sectors and relative information which is related to said sector address information. However, said management data mentioned in page 1, lines 2 to 6 of Reference 1, such as U-TOC and P-TOC, is the sector address information in association with said respective information sectors. **Therefore, Claim 11 does not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.**

Claims 18-20 define an information recording method corresponding to the information recording apparatus defined in Claims 9-11. Those skilled in the art easily think of the relevant information recording method based on the information recording apparatus. Based on corresponding reasons of commenting on Claims 9-11, **Claims 18-20 do not possess novelty as prescribed in Article 22, paragraph 2 of the Patent Law of China.**

Claim 30 defines an information outputting recording system consisting of an information outputting apparatus defined in Claim 1 and an information recording apparatus defined in Claim 9. Based on the corresponding information outputting apparatus and information recording apparatus, those skilled in the art easily think of an information outputting recording system, a combination of the aforesaid two apparatuses. Based on the same reasons of commenting on Claims 1 and 9, **Claim 30 does not possess inventiveness as prescribed in Article 22, paragraph 3 of the Patent Law of China.**

Part 3. Other defects

Said "partial information" in Claims 1, 8, 9, 10, 11, 12, 17, 18, 19, 20, 30 covers a relatively broad scope by using generic concept. In the mode of carrying out the invention of the description, only given is "sector", therefore, besides the sector of the present invention, it is difficult for those skilled in the art to predict that all the other manners generalized by the above generic concept can solve technical problem of the present invention. Said "order information" and "sector address information" in Claims 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 28, 19, 20, 30 cover a relatively broad scope by using generic concept. In the mode of carrying out the invention of the description, only given is "sector address number", therefore, besides the sector address number of the present invention, it is difficult for those skilled in the art to predict that all the other manners generalized by the above generic concept can solve technical problem of the present invention. Accordingly, **Claims 1, 2, 4, 6-13, 15-20, 30 can not be supported by the description, which does not comply with the provision of Article 26, paragraph 4 of the Patent Law of China.**

"Said main information is compressed having no relation to a time axis" in Claim 3 is a negative expression, which does not express clearly and normally how said main information is compressed. Further more, the technical feature of "compression of variable bit rate" and thus the protection scope are not clearly defined. According to said "uniformly changing" in Claims 7, 16, those skilled in the art can not understand how to change uniformly. Thus, the protection scopes of said claims are not defined clearly. Said "relative information which is related to said sector address information" in Claims 8, 11, 17, 20 does not clearly define what information is referred to as relative information and in what degree the information is referred to as relative information. Thus, the protection scopes of said claims are not defined clearly. Accordingly, Claims 3, 7, 8, 11, 16, 17, 20 do not comply with the provision of Rule 20, paragraph 1 of the Implementing Regulations of the Patent Law of China.

Said "information outputting apparatus" and "outputting apparatus" in Claim 4 use the same reference numeral 10 but different technical terms. Said "obtaining device (14)" in Claim 9 is not consistent with "set top box 14" in the description. Therefore, Claims 4, 9 do not comply with the provision of Rule 20, paragraph 3 of the Implementing Regulations of the Patent Law of China.

In the description, "16h", "32h", "48h" and "64h" appearing in page 57, line 4 to page 58, line 18, the paragraph starting at page 59, line 9 and page 60, line 25 to page 64, line 23 denotes hexadecimal data, which are not consistent with "16", "32", "48", "64" denoting decimal data in Figs. 12, 14. Therefore, the description is drafted contradictorily, which does not comply with the provision of Rule 18, paragraph 3 of the Implementing Regulations of the Patent Law of China.

The present application does not comply with Article 22, paragraphs 2 & 3, Article 26, paragraph 4 of the Patent Law of China, and Rule 20, paragraphs 1 & 3 of the Implementing Regulations of the Patent Law of China. Meanwhile, it falls under the provision of Article 25, paragraph 1 (2) of the Patent Law of China that no patent right shall be granted. The provisions of Article 25, paragraph 1 (2), Article 22, paragraphs 2 & 3, Article 26, paragraph 4 of the Patent Law of China, and Rule 20, paragraph 1 of the Implementing Regulations of the Patent Law of China belong to the circumstances where an application shall be rejected enumerated in Rule 53 of the Implementing Regulations of the Patent Law of China. The applicant is expected to make amendment to the application document and state the reasons indicating that the application should be granted a patent right within the designated time limit. Otherwise, the present application shall be rejected in accordance with Article 38 of the Patent Law of China.

Examiner: Fan Chengbo (9551)
Tel: 010-82755283

WAY

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